

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF PROJECT MANAGEMENT AND PERMITTING

FRANK H. MURKOWSKI, GOVERNOR

550 W 7th AVENUE SUITE 1400
ANCHORAGE, AK 99501

PH: (907) 269-7470
FAX: (907) 269-3891

September 15, 2006

Ms. Jeanie Cole
Bureau of Land Management
Northern Field Office
1150 University Ave.
Fairbanks, AK 99709-3844

RE: Consolidated State Comments on the Kobuk-Seward Draft Resource Management Plan/Environmental Impact Statement

Dear Ms. Cole,

The State of Alaska has reviewed the Bureau of Land Management (BLM), Kobuk-Seward Peninsula Draft Resource Management Plan/Environmental Impact Statement (RMP/EIS). We appreciate the opportunity to offer comments and suggestions in support of the development of this plan pursuant to 43 CFR 1610.3-1. This letter represents the consolidated comments of state agencies.

We recognize the difficulty inherent in developing a land use decision-making document designed to provide overall guidance in an area where land status is in flux due to unresolved State and Native land selections. We appreciate BLM's efforts to coordinate with the State throughout the planning process. BLM's efforts to coordinate proposed management strategies with those on adjacent state lands as described in state planning documents will help to create predictable management schemes for the public now, and following conveyance of selected lands. The State supports multiple-use management strategies designed to promote wise stewardship of resources balanced with a clear goal of enhancing opportunities for resource development and is pleased to see BLM's stated commitment to multiple use and sustained yield as set forth in the Federal Land Policy and Management Act (FLPMA). We hope that the following comments and suggestions will be useful as BLM prepares the final RMP/EIS.

The following general and page specific comments are compiled and consolidated from those submitted by various state agencies.

Withdrawal Review

During scoping, the State of Alaska requested that existing withdrawals be reviewed and those that are no longer needed for the purpose for which they were withdrawn be revoked. Of particular concern to the State are the Alaska Native Claims Settlement Act (ANCSA)

"Develop, Conserve, and Enhance Natural Resources for Present and Future Alaskans."

17(d)(1) withdrawals. These withdrawals are no longer appropriate for two reasons: 1) most were made to enable ANCSA selections that have long since been completed, and 2) they supported the study of federal lands for possible designation as conservation system units, which was resolved by Congress with the Alaska National Interest Lands Conservation Act (ANILCA).

Furthermore, the withdrawals under review are a series of public land orders issued by the Secretary of the Interior in the 1970's under the authority of Section 17(d)(1) of ANCSA. Their purpose was to maintain the status quo of the lands in order to complete inventories and assess resources for consideration in land management objectives.¹ The State asserts that the Resource Management Planning process provides the appropriate mechanism for developing land management objectives and strategies thus obviating the need for continued withdrawals. The State is pleased to see that BLM has conducted a review of the existing withdrawals and is recommending revocation of ANCSA 17(d)(1) withdrawals; however, we do not support replacing several of these old (d)(1) withdrawals with new withdrawals. Instead we recommend alternative management tools be applied to those areas in order to meet planning objectives.

Wild and Scenic Rivers

The Wild and Scenic River assessment done for the Kobuk Seward plan must consider the fractionalized ownership pattern of BLM lands. Because of the fragmented land ownership patterns in the area, it is unlikely that any rivers in the planning area are suitable for Wild and Scenic River designation. In addition, the State as an upland land manager and the manager of navigable water bodies is unlikely to support additional designations. Adequate protection of Alaskan lands and waters is not dependent on additional Congressional conservation designations.

Special Designations

The Kigluaik Mountains near Mt. Osborne were specifically mentioned in the State of Alaska Department of Natural Resources (DNR) Northwest Area Plan (NWAP) as recommended for state selection due to their values for "minerals, public recreation, subsistence and accessibility." (Page 3-48, NWAP). Alternative D proposes that a portion of these lands be set aside as the Salmon Lake - Kigluaik Special Recreation Management Area (SRMA) and, if retained in federal ownership, the Mt. Osborne Research Natural Area (RNA). Page 2-106 of the RMP/EIS does not provide information regarding the rationale for designation such as specific ecological values. State selection priority in this area is based on resource potential. The majority of these lands are state-selected with a high or medium priority, and western portions of the proposed RNA were recently tentatively-approved to the State. Lands that are retained in BLM ownership may have mineral potential and the State is concerned that RNA designation may impede access to and development of these resources on both federal and state-owned lands. The State appreciates that designation will not encumber selected lands within the area, nor attach to them upon conveyance, but maintains concerns regarding justification and availability for access corridors and mineral development on administratively designated lands.

¹ US Dept. of Interior, Stakeholder Letter, Regarding review of (d)(1) withdrawals June 15, 2005.

We support BLM's intent that actions taken to manage these lands will be coordinated with the State and appreciate BLM's stated commitment to a public process as described on page 2-71 and coordination with the State (page 2-81) in the development of a Recreation Management Plan and an OHV Management Plan. This coordination is particularly important if restrictions or deviations from the NWAP such as seasonal closures or limits on use are proposed.

Transportation and Utility Sites and Corridors

The planning area consists of a diverse mosaic of land ownership, lacks infrastructure and possesses high resource potential. In addition to the right-of-way corridors identified in ANILCA, several other possible routes were identified in the NWAP (Page 2-56, NWAP, attached). The ability to develop prospective access corridors, especially where necessary for community and/or resource development purposes, should be considered and retained in the RMP/EIS and in implementation level planning.

Communication sites are also essential components of this remote area and should not be limited to those that currently exist, particularly for public health and safety. For example, new technologies may improve the area's communication potential with reduced ecological impacts, but may not be suited to existing sites. We suggest that new communication sites be considered on a case-by-case basis.

Management of Recreation Use

For the reasons stated below, the State objects to federal limitations of non-commercial visitor use through a permit or required registration system for the Squirrel River corridor (Alternatives C and D) or for the Salmon Lake - Kigluaik SRMA (Alternative C). First, the plan does not provide resource impact data showing that such limits are necessary. Second, it is inappropriate for the Bureau to directly regulate the use of state waterways. Third, the plan overlooks other valuable management tools that could effectively address any underlying issues without resorting to limits. As a matter of policy, use limits should be the tool of last resort. We recently addressed our concern about scaling the management response to the issues with the National Park Service during development of the Denali National Park and Preserve Backcountry Management Plan. As a result, the final Denali plan embraces a much wider array of management tools that will eliminate or postpone the need for specific limits that require subsequent rulemaking. (See attached list of management tools copied from page 47 of the final Denali plan.) Utilizing a wider array of management tools, including non-federal tools, allows land managers to be more responsive to changes in the environment, resource values, and public uses over the life of a plan.

As BLM is aware, the long-standing conflicts among user groups in Unit 23 appear to be escalating. We appreciate that the plan recognizes this issue and offers proposals in Alternatives C and D to address the underlying issues. We are very concerned, however, that the five-year timeframe for completion of a Recreation Area Management Plan (RAMP) proposed in Alternative D will unacceptably delay resolution of this issue while BLM completes the RAMP. We urge BLM to move forward as quickly as possible to develop a Recreation Area Management Plan for the Squirrel River SRMA. We appreciate BLM's stated commitment to a public process and request that there be no pre-judgment regarding imposition of general public use limits to address the conflicts.

While we appreciate BLM's interest in taking a lead role the proposed approach, focusing on establishing general public use limits does not target the specific underlying issue, which focuses primarily on hunting-related conflicts. There are a number of agencies and entities with applicable management authorities that have roles and responsibilities related to finding an effective solution. To effectively address the conflicts, these entities must work cooperatively together on a coordinated response strategy.

Since the early 1980's, the Alaska Department of Fish and Game (ADF&G) Advisory Committees and the Northwest Arctic Borough have presented many proposals to the Alaska Board of Game, ADF&G, BLM, the Federal Subsistence Board, and the National Park Service for resolution, but actual solutions remain elusive. The Board of Game held a special session in Kotzebue in November 2005 to specifically address this issue, where it remains an active topic of concern. All affected managers desire to avoid a repeat of the gun-wielding standoff among user groups in 1998. The State urges BLM to immediately begin work with ADF&G to cooperatively design a multi-agency process that could start as soon as the RMP/EIS Record of Decision is signed. The effort should include ADF&G, DNR, the Alaska Board of Game, the Alaska Big Game Commercial Services Board, and some or all of the other listed agencies above as appropriate.

Page Specific Comments:

Chapter I, Introduction

Page 1-10, Issue Statement 2, Subsistence

The second sentence states that ANILCA requires that rural residents have a priority over other users to take fish and wildlife for subsistence on Federal public lands where a recognized consistent and traditional pattern of use exists. This statement is inaccurate. ANILCA Sections 802 and 804 specify that rural residents shall be given preference (or accorded priority) for the taking of fish and wildlife over other consumptive uses only when it is necessary to restrict taking in order to assure the continued viability of a fish or wildlife population or the continuation of subsistence uses of that population. Please correct this sentence accordingly.

Page 1-20, H. Policy

We appreciate the citation of the 2003 memo from Secretary of the Interior regarding wilderness study proposals in Alaska.

Page 1-13, Hunting and Fishing Regulations

We appreciate acknowledgment of the State's role in managing and regulating fish and wildlife harvests in the planning area, and of the Master Memorandum of Understanding (MMOU) between the Alaska Department of Fish & Game and the BLM. However, we request the Bureau include a copy of the MMOU as an appendix in the final plan.

Chapter II, Alternatives

Pages 2-17 to 2-20, Cultural and Paleontological Resources

We find the treatment of Cultural and Paleontological Resources to be reasonable, supportable, and well written with good organizational structure.

Pages 2-34 and 2-35, Livestock Grazing

The State supports limiting livestock grazing permits to allow only reindeer and to close vacant areas in McCarthy's Marsh and the Kuzitrin River to livestock grazing. Western Arctic caribou are usually present in these areas during the fall migration, winter, and spring migration seasons, thereby causing conflicts with any expansion of grazing activities.

Pages 2-41 to 2-43, Fluid Leasable Minerals, Alternatives C and D

In some cases, a 300-foot setback from bank-full stage on major rivers may not adequately protect the tall shrub habitats that are critical to maintaining moose populations in western and northwestern Alaska. In other areas where riparian habitat is minimal and resource values high, a full 300-foot setback may be unnecessary and could unnecessarily restrict resource development. On the Seward Peninsula, riparian zones are very limited and often only occur in narrow zones that provide essential winter habitat for moose. The negative impact of lost riparian habitat for moose is significant, as many areas of Game Management Units 22 and 23 are experiencing population declines. We encourage the Bureau to work with the State, including ADF&G, to protect tall shrub habitats to enable natural recovery of moose populations. In addition, many other species are dependant on riparian habitats/corridors, which are of limited distribution in Unit 22. Protecting tall shrub habitats helps maintain species diversity in these areas. We request the Bureau include provisions with the Required Operating Procedures and Stipulations (ROPS and STIPS) that provide the necessary flexibility along the specified rivers to protect valuable riparian habitat where necessary. See also comments for pages 2-60, 2-136.

Pages 2-53 and 2-54, Solid Leasable Minerals, Alternatives C and D

As mentioned above in comments regarding page 2-41 to 43, we recommend including and using Required Operating Procedures (ROPS) and Stipulations (STIPS) along the specified rivers to protect riparian habitat as appropriate. In the southern Nulato Hills, riparian corridors provide valuable winter habitat for the Western Arctic caribou herd that would benefit from ROPS and STIPS designed to protect habitat for winter use by caribou.

Page 2-53, Item 6. Alternative D

The second sentence appears to contradict the first sentence. If 12,074,000 acres are open to coal exploration and 1,059,000 acres are closed, the percentage of lands closed cannot total 60%. The table on page 2-54 appears to reflect the correct percentage. We suggest checking acreage and changing the percentage of closed acreage in the text on page 2-53 to be consistent with Table 2-9.

Pages 2-60, 2-136, Locatable Minerals

The State has a concern regarding the riverbank setbacks proposed for the lower Ungalik River, Boston Creek, and the Kivalina River. Previous placer mining is acknowledged in the lower Ungalik River, as well as the location of a hard rock prospect at Christmas Mountain yet no provisions are made to accommodate this particular resource value. The plan does however acknowledge that these setbacks will negatively affect the resource development potential of this area. Therefore, rather than creating a 300-foot setback on both sides of the Ungalik River, we request that BLM consider alternative means of managing the portion of the Ungalik River south of T8S R9W, Kateel River Meridian such as ROPS and STIPS designed to protect valuable habitat.

Concerns have also been expressed regarding the proposed 300-foot setback from Boston Creek due to the fact that this area contains abundant polymetallic veining and is host to numerous gold placer deposits surrounding the area. In addition, the 300-foot setback on the upper Kivalina River may negatively impact the resource value of State lands to the north and lands selected to the south. We request that BLM consider alternative means of managing the resources of this area as well.

Given NEPA requirements and the ability to impose Required Operating Procedures and Stipulations on development activities, a statement to the effect that the value of prime riparian habitat will be considered for protection and mitigation in the development of any mineral resources that may impact riparian resources would allow site-specific impacts to be addressed through the application of appropriate constraints and mitigation. Riparian habitat would be protected taking into consideration the characteristics of a particular site and resource development could occur provided appropriate mitigation and/or setbacks are imposed. In some instances, 300 feet may be appropriate protection for riparian habitat, in some instances, a smaller setback may provide adequate protection, and in some instances a larger setback may be required.

Page 2-67, Mineral Materials, (c) Management Common to All Action Alternatives

Please state that guidelines and provisions regarding the disposal of mineral materials apply only to BLM-owned lands, especially regarding disposals on submerged lands, shorelands and tidelands.

Page 2-82, Section 1. ANCSA 17(b) Easements

Please rephrase the text on page 2-82 under ANCSA 17(b) Easements to remedy the following concerns:

The phrase “public landowner the easement accesses” in the first paragraph, second sentence, should be replaced by “***federal agency responsible for lands accessed by the easement.***” By using the term “public landowner” and with the inclusion of the last sentence in that paragraph, it appears as if the State is abdicating a responsibility to manage easements accessing its lands. Enabling federal legislation and Department of Interior policies mandate that it is the BLM’s responsibility to allow access across lands conveyed to a Native corporation and to administer those easements which access non-Federal lands (43 USC § 1616; 43 CFR 2650; 601 DM 4.2). The State of Alaska does not generally accept management of 17(b) easements unless the trail or easement is already partly under state management (Page 2-20, NWAP).

The bulleted list provided on Page 2-82, governing discretionary actions as well as demarcation of 17(b) easements, grants a priority for “[e]asements where landowners support the activity allowed by the easement.” Regard of this nature for the preferences of the adjacent landowner is inappropriate according to the intent and legislation governing 17(b) easements. These easements are reserved to maintain the right of access to public lands and waters and to eliminate trespass concerns. The partiality of the adjacent landowner should not take precedence when establishing priorities, especially over the access needs of the public (not listed as a specific priority).

The RMP/EIS states that easement acquisition impeded by allotments will be remedied “on a case-by-case basis as the need or opportunity arose, and as funds allow” and only from willing landowners. The State would appreciate that every effort be made to prevent private lands from interfering with access utilizing easements.

Page 2-82, Section 2. R.S. 2477

We appreciate the fact that the RMP/EIS makes it clear that this planning process will not affect valid R.S. 2477 claims and future assertions. However, we request that this section of the RMP/EIS be adjusted to reflect new Interior policies regarding the interpretation and implementation of R.S. 2477 rights of way, as outlined in Secretary Norton’s March 2006 Memorandum. Please also acknowledge in this section that the State additionally claims section line easements under R.S. 2477. We recommend the following language replace the first paragraph in this section:

2. R.S. 2477 Routes

Under Revised Statute (R.S.) 2477, Congress granted a right-of-way for the construction of highways over unreserved public land. Under Alaska law, the grant could be accepted by either a positive act by the appropriate public authorities or by public use. “Highways” under state law include roads, trails, paths, and other common routes open to the public. Although R.S. 2477 was repealed in 1976, a savings clause preserved any existing R.S. 2477 right-of-way. The State of Alaska claims numerous rights-of-way across federal land under R.S. 2477, including rights-of-way identified in AS 19.30.400. Land use planning does not affect valid R.S. 2477 rights or future assertions. The validity of all R.S. 2477 rights-of-way will be determined on a case-by case basis and outside of this planning process.

Page 2-94, Land Use Authorizations, FLPMA Leases and Permits

In contrast to BLM, the State does not define trapping as a “commercially oriented activity”. Instead, trapping is only categorized as a regulated method of taking wildlife and not as a commercial or subsistence activity. Trapping includes the taking of furs for personal use, trade, and barter, as well as for sale. Therefore, it is an activity that should not be required to meet the terms of a commercial cabin use, i.e., acquisition of a lease at fair market value from the Bureau under the FLPMA. During deliberations concerning allowing trapping on national park lands under ANILCA, Congress concluded that trapping is not a commercial activity unless:

“. . . the trapping itself becomes a business with employees paid to support the trapping operation.” (*Senate Report 96-413*)

We request the Bureau modify discussions and decisions relative to trapping to reflect this decision in the final plan, as described further in the attached letter from ADF&G to the State Director of BLM.

Page 2-98, FLPMA and R&PP Leases, Alternatives C and D (and elsewhere in the document)

This section does not clarify whether the Bureau would authorize trapping cabins (as currently managed under FLPMA leases) in Areas of Critical Environmental Concern and Research Natural Areas. The State does not support restrictions on the use of trapping cabins on administratively designated lands.

Pages 2-104 to 2-107, Alternative D, Areas of Critical Environmental Concern

We recommend the Bureau develop stipulations to protect important resources for the Kuzitrin River and McCarthy Marsh in Alternative D. These areas provide critical moose habitat for moose populations important to many Seward Peninsula residents. In addition, we request these areas remain closed to reindeer grazing as long as caribou continue to winter on the Seward Peninsula.

We also recommend the Bureau develop stipulations to protect important resources for the Kigluaik area in Alternative D. The area receives low access by motorized vehicles during snow free months and is an important bear denning area and rutting area for moose in the fall. There is also significant vegetation that is fragile and sensitive to disturbance in the area.

Page 2-106, Mount Osborn Research Natural Area

We request the Bureau clarify management intent for the Mount Osborn RNA because of concerns that administrative designation under Bureau regulations may preclude the State's use of management tools for fish and wildlife, such as weirs or radio towers.

Under Bureau regulations at 43 CFR Part 8223:

No person shall use, occupy, construct, or maintain facilities in a research natural area except as permitted by law, other Federal regulations, or authorized under provisions of this subpart 8223 and that no person shall use, occupy, construct, or maintain facilities in a manner inconsistent with the purpose of the research natural area.

We request the Bureau revise the final plan to state that the Mount Osborn RNA will not preclude use of various facilities necessary for state wildlife or fisheries management purposes.

Page 2-115, Table 2-18 Wild and Scenic Rivers – Summary of Alternatives

Please clarify that for "Free-flowing rivers" (Alternative C), prohibitions on dams and significant diversions are only applicable to unencumbered BLM-owned lands. The State also requests that such prohibitions be considered on a case-by-case basis and, when on uplands adjacent to navigable waterways, in consultation with the State.

Pages 2-120 and 2-121, Subsistence

The discussion of Fish and Wildlife on pages 2-9 to 2-11 appropriately calls for cooperating with ADF&G on fish and wildlife management activities, including restoring/protecting habitat for fish and wildlife species used for subsistence purposes. However, in the discussion of Subsistence on pages 2-120 and 2-121, cooperation and coordination with ADF&G and the state regulatory boards is not referenced either as a goal or management activity. The State continues to regulate subsistence harvesting on all lands statewide, except in specific locations

where federal subsistence regulations supersede state regulations. Consequently, in this section we request the Bureau express its continuing commitment to working with the State on subsistence management activities.

Page 2-129, Effects on Fire Management and Ecology

In the table under “Cumulative Effects,” please review and edit the second sentence to read “There are several areas in the Full and Critical Management Options that are adjacent to BLM-managed lands.”

Page 2-136, Cumulative Effects, Locatable Minerals

Thank you for acknowledging the impacts that closing the Ungalik River to locatable minerals would have on the development of mineral resources; however, it is the State’s opinion that BLM should not restrict the development of known mineral deposits.

Page 2-139, Effects on Travel Management / OHV

Please review the next to the last sentence in Alternative D. We assume that the sentence should read: “The current *free* and unrestricted OHV use would be somewhat diminished compared to Alternative A.”

Chapter III, Affected Environment

Page 3-27, Vegetation

We find the descriptions of vegetation types well done and accurate; however, the discussion in the text on broad-scale vegetation classification does not include a citation for development of the various vegetation types found on Bureau lands within the plan. We assume the vegetation classes were adapted from The Alaska vegetation classification by Viereck, et al., 1992. If this is the case, please cite the following for this section:

Viereck, L., C. Dyrness, A. Batten, and K. Wenzlick, 1992. The Alaska Vegetation Classification. General Technical Report PNW-GTR-286. U.S. Department of Agriculture, Forest Service, Pacific Northwest Research Station, Portland, OR.

Pages 3-164 and 3-165, Figures 3-3 and 3-4

Please consider including the full name for the various base metals, as well as their symbols, in the key to these figures for the lay reader.

Page 3-165, second full paragraph

Please clarify the following phrase in the second sentence: “...special congressional legislation that excluded mineral deposits from in Federal enclaves that preclude mineral development...”

Page 3-206, last paragraph, next to the last sentence

Please edit the following sentence: “Consequently in some instances it is difficult to separate production *from* these areas outside.....”

Page 3-208 (5) Commodity Value and Market Share, third sentence

The text reads, “...our biggest year was 1993 where we sold \$274,215 worth of...” Replacing “we” with BLM would clarify this statement.

Page 3-218, fourth full paragraph

We suggest that in addition to citing the “Conditions for Generally Allowed Uses” and 11 AAC 96.025, BLM may wish to reference those portions of 11 AAC 96.025, “Conditions for Generally Allowed Uses” which specify that Generally Allowed Uses are *subject to* a variety of operating conditions.

Page 3-224, c) Biomass

Please edit the first sentence to remove duplicative text.

Page 3-236, 1) Background, third bullet

Please change “plan” to “plant.”

Page 3-243, (d) Suitability

Please review the first sentence and consider editing the phrase “within the planning *area* as...” We wish to reiterate the fact that there is a clear lack of State support for further Wild and Scenic River designations within this planning area.

Pages 3-276 to 3-294, Subsistence

The narrative and maps in this section are very informative. The authors acknowledge that subsistence use data are not available for all communities (pages 3-280 and 3-282), but do not indicate if any significant gaps occur that should be addressed in order to fully assess local use and importance of Bureau lands for subsistence purposes. Identification of information gaps that need to be addressed in the plan is important to ensure that someone does not misinterpret the information when land use issues arise in the future and this plan is utilized in decision-making.

Page 3-279, Subsistence Patterns Today, first and second paragraphs

The two paragraphs reference a series of maps with generalized depictions of areas used by planning area communities for subsistence purposes (Maps 3-37 thru 3-45). We recommend the Bureau add language to the map legends indicating the time period depicted by the maps.

Page 3-279, Subsistence Patterns Today, fourth paragraph

The first sentence indicates that during the scoping process, the public submitted comments that indicate protection of subsistence use is integral to the well being of Iñupiat people in the planning area. We agree with the statement, but suggest the final plan modify the statement to recognize that subsistence is important to all residents of the planning area.

Page 3-284, Table 3-49, Subsistence Resource Harvest and Economic Significance

In the last column this table presents a dollar value of resources harvested for subsistence purposes. We recommend the Bureau provide a notation explaining the figures in the table, e.g., whether the value is a per capita figure.

Chapter IV, Environmental Consequences

Page 4-24

Please review the last sentence on this page. We suggest deleting the word “within.”

Page 4-126, minor edits:

The first and second paragraphs have several grammatical errors:

Line 9: "...to take place **on** non-BLM managed..."

Line 2, pp2, change "to" to "in": "could increase interest **in** exploration on..."

Line 5/6: "This would result in the displacement **of** mineral activities to..."

Page 4-135, Alternative A, (a) Oil and Gas Leasing

Page 4-136, Alternative B, (a) Oil and Gas Leasing (continued)

Page 4-138, first full paragraph, last sentence.

The logic of the concluding sentence of the section could be interpreted in several ways. If oil and gas exploration is limited or does not occur, these resources are not available in the near future for the next generation. However, if the development does not occur, these resources are still in the ground and consequently available for future generations to develop. Might it be more appropriate to conclude that these resources would be unavailable during the life of this plan, rather than "for future generations"?

Page 4-140, Ungalik

The State continues to object to the proposed 300-foot setbacks identified for this area given the known placer gold occurrences and APMA filings. Please refer to comments relative to page 2-60.

Pages 4-141 to 4-143, Table 4-7

We found Table 4-7 to be well organized, providing a very good summary of the proposed river setbacks for locatable minerals.

Page 4-144 and 4-145, Alternative D

The State continues to object to the curtailment of mining within the Kigluaik Mountains given the known mineral occurrences and potential in this area.

Page 4-157, (10) Impacts to Recreation from Special Designations

It is unclear why the RMP/EIS states that future planning and study will attempt to identify rivers to be added to the Wild and Scenic River System. Please note previous comments made regarding the State's position on future designations.

Page 4-158, (7) Impacts to Recreation from Recreation Management

"The establishment of visitor use limits in specific areas would help ensure positive recreation experiences for commercial and non-commercial users while protecting the resources." It is the State's position that this conclusion results from a rather myopic view of management tools available for managing human use. We appreciate the fact that BLM recognizes that visitor use limits could also limit recreational opportunities for some. The State again wishes to emphasize that there are a variety of tools available to manage human use and protect resources that should be implemented before restricting general public use of an area.

Page 4-159, first full paragraph, last sentence.

What is the "degree of uncertainty that remains as to the future implementation-level planning and the impacts of limiting OHV use to designated trails or seasonal closure of areas"? Does this imply that implementation-level planning may or may not occur, or does this mean that the results of implementation level planning may have further impacts to OHV use and cannot be determined at this time?

Page 4-160, Table 4-11

Under Alternative D, please specify the seasonal period for “Limited to 2,000 pound GVWR seasonally” for Alternatives A and D; or if there are no seasonal restrictions in these alternatives, please clarify.

Page 4-167, Alternative C, (7) Impacts to Travel Management/OHV from Special Designation, second paragraph.

It is unclear why the RMP/EIS states that *future planning and study* will attempt to identify rivers to be added to the Wild and Scenic River System. Please note previous comments made regarding the State’s position on future designations. (Similar language utilized on page 4-157)

APPENDICES

Appendix B

We find the tables in Appendix B to be very helpful in presenting the reader with a comprehensive picture of the management implications of the RMP/EIS.

Page B-4, Table B-1

Please refer to previous comments relative to the ANCSA 17(d)(1) withdrawals. We find the closure of the Kigulaik Mountains to locatable minerals inappropriate given the known resource values of the area. We suggest that Alternative C clearly state that it pertains to the larger Kigulaik ACEC and that Alternative D pertains to the Mt. Osborne RNA (perhaps in the header row or put that specific text in bold in the first row of the table). The footnote clearly states this, as does the first row of the table, but in our initial reading of the table, we missed this distinction and our thought is that others may as well.

Page B-7, Table B-2, WACH ACEC

The preferred Alternative described in Table 2-10 on page 2-61 appears to be inconsistent with Alternative D for Locatable Minerals as described in Table B-2. Please correct Table B-2 to be consistent with Table 2-10.

Appendix C

Page C-3, Table C-1, Recreation Management, Alternative D

Please review Alternative D. The text refers the reader to Alternative B, with a provision that no limits would be set on visitor use days for the Kigulaik Mountains. Alternative B refers the reader to Alternative A, with a statement that no major actions would be taken to enhance recreational opportunities. We suggest that this section of the table be reviewed and clarified if necessary. There are no references to limits on general visitor use days in either Alternative A or B.

Appendix D

ANILCA Section 810 Analysis of Subsistence Impacts

The 810 analysis is well written and informative. BLM appropriately scheduled public hearings in potentially affected communities to solicit input on activities that might significantly restrict subsistence uses. We appreciate BLM’s willingness to share information gathered during the public meetings and look forward to reviewing this information as well as

BLM's response to the issues raised at the public hearings and any appropriate revisions to the plan to address these comments.

Suggested Appendices

It may be useful to include as an appendix the Fact Sheet "Generally Allowed Uses on State Lands and Conditions for Generally Allowed Uses" since it is frequently referenced. In addition, as earlier suggested, the Master Memorandum of Understanding between the Alaska Department of Fish and Game and the Bureau would also be a useful reference to include as an Appendix.

Acronyms

Please include VABM in the list of acronyms.

Maps

We find the maps to be very well done. The information presented is mapped to an appropriate scale, simply yet clearly depicting the information required. It is most useful to the reader to have the maps located within the document where they can be easily accessed when reading the related material.

A series of maps depicting the relationship of the SRMAs and ACECs and other associated restrictions would be very useful although we recognize that visually depicting this much information on one map (for each alternative) may be challenging. Of interest would be the relationship of the Salmon Lake - Kigulaik SRMA, the Kigulaik ACEC and the Mt. Osborne RNA. Another area that would benefit from further visual clarification is the Nulato Hills ACEC (Alternative C) versus the combination of the Nulato Hills, Inglutalik River, Ungalik River and Shaktoolik River ACECs (Alternative D). We would appreciate an effort to visually depict the sum of the land management strategies of Alternative B, C, and D. We suggest including boundaries of the ACECs, SRMAs, ERMAs, Mineral closure areas, NSO areas, and other pertinent restrictions.

Again, thank you for the opportunity to review and comment on the Kobuk-Seward Peninsula Draft RMP/EIS. We appreciate BLM's commitment to cooperation with the State and the attention BLM has paid to previous state comments and concerns. Should you have any questions, please feel free to contact me.

Sincerely,

/ss/

Carol Fries
State RMP Project Coordinator

cc: Randy Bates, Acting Director, Office of Project Management and Permitting
Ed Fogels, Acting Deputy Commissioner

Attachments:

Northwest Area Plan, Chapter 2, Transportation and Utilities, page 2-56.
Denali National Park and Preserve Backcountry Management Plan, pages 46- 47.

TRANSPORTATION & UTILITIES

Goals

These goals pertain to all forms of surface, air, and water transportation and all forms of utility or resource transportation corridors.

Support Plan Recommendations. Provide for a transportation system needed to implement plan recommendations and integrate it with other area-wide transportation needs.

Minimize Costs. Provide for a transportation system that minimizes possible long-range costs in all aspects of design, construction, operation, and maintenance and which avoids unnecessary duplication of facilities.

Minimize Adverse Impacts. Provide for a transportation system that has minimal adverse impact on the environment, scenic qualities, historic and cultural resources, and subsistence resources and activities.

Promote Efficient Land and Resource Use. Provide for a transportation system that uses land and energy resources efficiently and encourages compact, efficient development patterns.

Ensure Public Safety. Provide for a transportation system that has high standards of public safety.

Management Guidelines

A. Identification of Potential Transportation Routes. No major new transportation routes are necessary to support the land use designations made in this plan. Three possible corridors have previously been identified for the Northwest Area: the Western Access Corridor from Prospect to the Kougarak Road, the Chicago Creek coal-mining-area to Kotzebue route, and the Northern Access Corridor to the Lik mineral deposit. No applications have been made for any of these routes. However, authorization for activities that could foreclose future development of these corridors should not be granted. If an application is made, DNR authorizations will be consistent with the policies and guidelines of this plan. In addition, the Department of Transportation and Public Facilities may require an evaluation of social,

economic, and environmental effects of the transportation routes in coordination with affected communities and coastal districts. To the extent feasible and prudent, DNR will not issue permits for the construction of major transportation routes until final decisions are made on the feasibility of these routes.

B. Access Plans for Land Offerings or Resource Development Projects. Before offering land for disposal or initiating a resource development project, DNR will work with DOT&PF to identify access routes and responsibilities for design, construction, and maintenance of proposed transportation facilities. Access plans will be developed in consultation with affected local governments, coastal management districts, and land owners.

C. Joint Use and Consolidation of Surface Access. Joint use and consolidation of surface access routes and facilities will be encouraged wherever feasible and prudent. Surface access should be sited and designed to accommodate future development and to avoid unnecessary duplication. The feasibility of using an existing route or facility should be evaluated before authorizing a new one.

D. Protection of Hydrologic Systems. Transportation facilities will, to the extent feasible and prudent, be located to avoid significantly impacting the quality or quantity of adjacent surface waters or detracting from recreational use of these waters. The following guidelines generally apply, although site-specific exceptions may be necessary:

- 1. Minimizing the Number of Stream Crossings.** The number of stream crossings should be minimized. When they are necessary to construct a road, the stream crossings should be made where the stream channel is stable and should traverse the channel in the most direct manner practical.

- 2. Minimizing Construction in Wetlands.** Construction in wetlands, poorly drained areas, and floodplains should be minimized and existing drainage patterns maintained. Culverts should be installed where necessary to enable free movement of water.

ACCESS

General Guidance

Access to all parts of the Old Park, park additions and preserve would be managed to achieve management area standards using the tools identified below. Recreational access to the Old Park would continue to be managed to emphasize non-motorized access, but this area would be accessible by airplane and motorboat. The National Park Service would actively identify locations in the Old Park that have ecological, wildlife, or other resource values that are at substantial risk of harm from airplane landings or motorboat use, and locations where these modes of access would cause unacceptable impacts to visitor safety. The National Park Service would close or otherwise manage motorized access to these areas as appropriate to alleviate the resource and safety concerns. In the park additions and preserve, airplane and motorboat access, and snowmachine access for traditional activities, would continue. If Congress considers additional wilderness designations for Denali, the National Park Service would propose that accommodation be made as necessary for recreational snowmachine access along the winter season Corridor management areas.

The National Park Service is committed to providing visitors to the national park and preserve with reasonable access for wilderness recreational activities, traditional activities, and for other purposes as described in ANILCA and other laws summarized in chapter 1. The National Park Service would generally allow independent, cross-country travel by any legal means, and would encourage access to the park and preserve by means of facilities (e.g., trails and marked routes) and services (e.g., commercial air taxi and guide services) as described in the Backcountry Facilities and Commercial Services portions of this plan. If it becomes necessary to manage travel in any area to achieve desired future resource and social conditions for an area, to reduce visitor conflict, or to protect visitor safety, the National Park Service would use the least restrictive mechanism or “tool” necessary to accomplish the goal. The National Park Service need not wait for conditions to match or exceed standards before taking management action; an expectation that conditions would exceed standards is sufficient to mandate a response. Restrictions and closures would be accomplished consistent with the process outlined in 43 CFR 36.11 and/or other relevant regulations.

Table 2-11 lists the tools that may be used to manage access when necessary, arranged in rough order from the least restrictive to the most restrictive. The park superintendent is free to pick whichever tool is required as long as the “least restrictive” criterion is heeded. There is no implication that the tools must be tried in the listed order and a failure elicited before trying the next one.

Table 2-11: Access Management Tools

1) Education	The National Park Service would provide printed material, public presentations, targeted presentations to user groups, and Internet-based programs, with the goal of actively involving visitors in helping the park achieve the standards for all management areas.
2) Increased enforcement of existing regulations	The National Park Service would prioritize enforcement of existing regulations to assist in achieving standards for management areas. For example, enforcement of the snowmachine speed limit or the sound level limits on motorized equipment could assist in achieving standards for sound quality.
3) Voluntary restrictions	The National Park Service would ask visitors to restrict their use voluntarily. Examples of such measures could include: voluntary registration; use of low-impact equipment; avoidance of certain areas of the park or preserve; or avoidance of areas during particular seasons or times of day. Voluntary registration would not require a permit and could be accomplished by trailhead register, phone or radio call-in, or the Internet.
4) Required registration	The National Park Service would require visitors to register. Visitors would be issued a permit that provides information about park rules and conditions for use necessary to protect park resources. Permit conditions could include minimum impact travel and camping requirements and resource protection requirements; however, a registration process would not limit the number of visitors or the type or amount of access. Registration is a means to gather information about visitor use levels and to ensure visitors receive necessary resource protection and safety information.
5) Technology requirements or other requirements governing means of access	To achieve management area standards, the National Park Service would place requirements on the means of access. For example, the NPS could require individuals to use technology that meets specific noise specifications if those individuals are accessing the park by snowmachine, motorboat, or airplane.
6) Management of commercial activity	The National Park Service would adjust concession contracts and other commercial use permits to govern use levels or direct authorized commercial activity to locations, seasons, or times of day as necessary to achieve management area standards.
7) Regulate numbers of visitors	The National Park Service would establish quotas for visitor numbers in areas of the park additions and preserve when the volume of use is high enough that other mechanisms are unlikely to achieve standards. Visitors would be required to register and carry a permit, and the number of available permits would be limited. This is the mechanism presently used to manage overnight backcountry use in the Old Park and parts of the Kantishna Hills.
8) Temporal restrictions	The National Park Service would restrict access to particular times of day, days of the week, or other unit of time, or the duration of access could be limited.
9) Temporary and permanent closures	Using the appropriate authorities, the National Park Service would temporarily or permanently close areas of the park and preserve to all types of visitor use or to specific modes of access.
10) Management authorities of other agencies	The National Park Service would seek assistance from cooperating entities, such as the Federal Aviation Administration or State of Alaska, to apply regulatory or other measures to protect park resource values and achieve management area standards.